

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 19, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2051

Introduced by Assembly Member Cohn
(Coauthors: Assembly Members Koretz and Laird)

February 15, 2006

An act to amend Sections 298 and 298.5 of the Family Code, to amend Section 124250 of the Health and Safety Code, and to amend Sections 13519, 13823.15, and 13823.16 of, and to add Section 13823.17 to, the Penal Code, relating to domestic violence, and making an appropriation therefor..

LEGISLATIVE COUNSEL'S DIGEST

AB 2051, as amended, Cohn. Domestic violence.

Existing law requires the Secretary of State to establish fees for the costs of processing forms for registering domestic partnerships.

This bill would establish a fee of \$23 to be imposed upon persons registering as domestic partners to develop and support a training curriculum specific to lesbian, gay, bisexual, and transgender domestic abuse, support service providers who serve that community in regard to domestic violence, and to provide brochures specific to lesbian, gay, bisexual, and transgender domestic abuse, as specified. The bill would establish the Equality in Prevention and Services for Domestic Abuse Fund, a continuously appropriated fund, for the deposit and use of those fees.

Existing law requires the Secretary of State to return a copy of the certificate of registration to registered domestic partners.

~~This bill would also require a brochure specific to lesbian, gay, bisexual, and transgender domestic abuse accompany the copy of the certificate to certain domestic partner registrants, as specified.~~

Existing law requires the State Department of Health Services to administer a program of grants to support battered women's shelters. Existing law also establishes a council to advise the department for those purposes.

This bill would revise the grant program to include the lesbian, gay, bisexual, and transgender community for certain purposes of the grant program. The bill would also require membership on the council by representatives of the lesbian, gay, bisexual and transgender community.

Existing law requires specified training for law enforcement officers in regard to domestic violence.

This bill would additionally require in that training program, training in domestic violence regarding the lesbian, gay, bisexual and transgender community.

Existing law requires the Office of Emergency Services to conduct statewide training workshops on domestic violence for local centers, law enforcement, and other service providers designed to enhance service programs. Existing law also requires that office to develop and disseminate throughout the state information and materials concerning domestic violence. Existing law also establishes a council to advise the office for these purposes.

This bill would require the training workshops to also include a curriculum *component* specific to lesbian, gay, bisexual, and transgender domestic abuse. ~~The bill would require the program address battered persons.~~ The bill would also require membership on the council by at least one representative of the lesbian, gay, bisexual and transgender community.

~~Existing law establishes a grant program administered by the Office of Emergency Services for specified service providers relative to domestic violence.~~

~~This bill would establish a similar grant program administered by the State Department of Health Services, and funded by the Equality in Domestic Abuse Prevention and Services Fund for grants to service providers primarily serving the lesbian, gay, bisexual, and transgender community relative to domestic abuse. The bill would authorize the use by the State Department of Health Services of funds from the Equality in Domestic Abuse Prevention and Services Fund to~~

~~distribute a brochure specific to lesbian, gay, bisexual, and transgender domestic abuse.~~

Vote: majority. Appropriation: ~~yes~~*no*. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. This act shall be known and may be cited as the~~
2 ~~“Equality in Prevention and Services for Domestic Abuse Act.”~~
3 ~~SEC. 2. Section 298 of the Family Code is amended to read:~~
4 ~~298. (a) The Secretary of State shall prepare forms entitled~~
5 ~~“Declaration of Domestic Partnership” and “Notice of~~
6 ~~Termination of Domestic Partnership” to meet the requirements~~
7 ~~of this division. These forms shall require the signature and seal~~
8 ~~of an acknowledgment by a notary public to be binding and~~
9 ~~valid.~~
10 ~~(b) (1) The Secretary of State shall distribute these forms to~~
11 ~~each county clerk. These forms shall be available to the public at~~
12 ~~the office of the Secretary of State and each county clerk.~~
13 ~~(2) The Secretary of State shall, by regulation, establish fees~~
14 ~~for the actual costs of processing each of these forms, and the~~
15 ~~cost for preparing and sending the mailings and notices required~~
16 ~~pursuant to Section 299.3, and shall charge these fees to persons~~
17 ~~filing the forms.~~
18 ~~(3) There is hereby established a fee of twenty-three dollars~~
19 ~~(\$23) to be charged only to domestic partners who qualify~~
20 ~~pursuant to subparagraph (A) of paragraph (5) of subdivision (b)~~
21 ~~of Section 297 for development and support of a lesbian, gay,~~
22 ~~bisexual, and transgender curriculum for training workshops on~~
23 ~~domestic violence, conducted pursuant to Section 13823.15 of~~
24 ~~the Penal Code, and for the support of service providers who~~
25 ~~serve the that community in connection with domestic violence,~~
26 ~~provided however, that no more than 8 percent of the fee go to~~
27 ~~administrative costs in connection with funding service~~
28 ~~providers. The Secretary of State shall charge that fee to persons~~
29 ~~filing domestic partner registrations. The fee shall also be used to~~
30 ~~fund printing and distribution of a lesbian, gay, bisexual, and~~
31 ~~transgender specific domestic abuse brochure pursuant to Section~~
32 ~~298.5 of this code and Section 13823.17 of the Penal Code.~~

1 ~~(4) The fee established by paragraph (3) shall be deposited in~~
2 ~~the Equality in Prevention and Services for Domestic Abuse~~
3 ~~Fund, which is hereby established. The fund shall be~~
4 ~~continuously appropriated, and administered by the State~~
5 ~~Department of Health Services, and expenditures from the fund~~
6 ~~shall be used to support the purposes of paragraph (3).~~

7 ~~(e) The Declaration of Domestic Partnership shall require each~~
8 ~~person who wants to become a domestic partner to (1) state that~~
9 ~~he or she meets the requirements of Section 297 at the time the~~
10 ~~form is signed, (2) provide a mailing address, (3) state that he or~~
11 ~~she consents to the jurisdiction of the Superior Courts of~~
12 ~~California for the purpose of a proceeding to obtain a judgment~~
13 ~~of dissolution or nullity of the domestic partnership or for legal~~
14 ~~separation of partners in the domestic partnership, or for any~~
15 ~~other proceeding related to the partners' rights and obligations,~~
16 ~~even if one or both partners ceases to be a resident of, or to~~
17 ~~maintain a domicile in, this state, (4) sign the form with a~~
18 ~~declaration that representations made therein are true, correct,~~
19 ~~and contain no material omissions of fact to the best knowledge~~
20 ~~and belief of the applicant, and (5) have a notary public~~
21 ~~acknowledge his or her signature. Both partners' signatures shall~~
22 ~~be affixed to one Declaration of Domestic Partnership form,~~
23 ~~which form shall then be transmitted to the Secretary of State~~
24 ~~according to the instructions provided on the form. Filing an~~
25 ~~intentionally and materially false Declaration of Domestic~~
26 ~~Partnership shall be punishable as a misdemeanor.~~

27 ~~SEC. 3. Section 298.5 of the Family Code is amended to~~
28 ~~read:~~

29 ~~298.5. (a) Two persons desiring to become domestic partners~~
30 ~~may complete and file a Declaration of Domestic Partnership~~
31 ~~with the Secretary of State.~~

32 ~~(b) The Secretary of State shall register the Declaration of~~
33 ~~Domestic Partnership in a registry for those partnerships, and~~
34 ~~shall return a copy of the registered form and a Certificate of~~
35 ~~Registered Domestic Partnership, and, for those domestic~~
36 ~~partners who qualify pursuant to subparagraph (A) of paragraph~~
37 ~~(5) of subdivision (b) of Section 297, a lesbian, gay, bisexual,~~
38 ~~and transgender specific domestic abuse brochure, to the~~
39 ~~domestic partners at the mailing address provided by the~~
40 ~~domestic partners.~~

1 ~~(e) No person who has filed a Declaration of Domestic~~
2 ~~Partnership may file a new Declaration of Domestic Partnership~~
3 ~~or enter a civil marriage with someone other than their registered~~
4 ~~domestic partner unless the most recent domestic partnership has~~
5 ~~been terminated or a final judgment of dissolution or nullity of~~
6 ~~the most recent domestic partnership has been entered. This~~
7 ~~prohibition does not apply if the previous domestic partnership~~
8 ~~ended because one of the partners died.~~

9 ~~SEC. 4.~~

10 *SECTION 1.* Section 124250 of the Health and Safety Code is
11 amended to read:

12 124250. (a) The following definitions shall apply for
13 purposes of this section:

14 (1) “Domestic violence” means the infliction or threat of
15 physical harm against past or present adult or adolescent female
16 intimate partners, and shall include physical, sexual, and
17 psychological abuse against the woman, and is a part of a pattern
18 of assaultive, coercive, and controlling behaviors directed at
19 achieving compliance from or control over, that woman.

20 (2) “Shelter-based” means an established system of services
21 where battered women and their children may be provided safe
22 or confidential emergency housing on a 24-hour basis, including,
23 but not limited to, hotel or motel arrangements, haven, and safe
24 houses.

25 (3) “Emergency shelter” means a confidential or safe location
26 that provides emergency housing on a 24-hour basis for battered
27 women and their children.

28 (b) The Maternal and Child Health Branch of the State
29 Department of Health Services shall administer a comprehensive
30 shelter-based services grant program to battered women’s
31 shelters pursuant to this section.

32 (c) The Maternal and Child Health Branch shall administer
33 grants, awarded as the result of a request for application process,
34 to battered women’s shelters that propose to maintain shelters or
35 services previously granted funding pursuant to this section, to
36 expand existing services or create new services, and to establish
37 new battered women’s shelters to provide services, in any of the
38 following four areas:

39 (1) Emergency shelter to women and their children escaping
40 violent family situations.

(2) Transitional housing programs to help women and their children find housing and jobs so that they are not forced to choose between returning to a violent relationship or becoming homeless. The programs may offer up to 18 months of housing, case management, job training and placement, counseling, support groups, and classes in parenting and family budgeting.

(3) Legal and other types of advocacy and representation to help women and their children pursue the appropriate legal options.

(4) Other support services for battered women and their children.

(d) (1) The Maternal and Child Health Branch of the State Department of Health Services shall conduct a minimum of one site visit per grant term to each agency funded to provide shelter-based services to battered women and their children. The purpose of the site visit shall be a performance assessment of, and technical assistance for, each agency visited. The performance assessment shall include, but need not be limited to, a review of all of the following:

(A) Progress in meeting program goals and objectives.

(B) Agency organization and facilities.

(C) Personnel policies, files, and training.

(D) Recordkeeping, budgeting, and expenditures.

(E) Documentation, data collection, and client confidentiality.

(2) Subsequent to each site visit conducted under paragraph (1), the Maternal and Child Health Branch shall provide a written report to the agency summarizing the agency's performance, any deficiencies noted, and any corrective action needed.

(3) Where an agency receives funding from both the Maternal and Child Health Branch of the State Department of Health Services and the Domestic Violence Branch of the Office of Criminal Justice Planning during any grant cycle, the Maternal and Child Health Branch and the Domestic Violence Branch shall, to the extent feasible, coordinate agency site visits and share performance assessment data with the goal of improving efficiency, eliminating duplication, and reducing administrative costs.

(e) In implementing the grant program pursuant to this section, the State Department of Health Services shall consult with an advisory council that shall remain in existence until January 1,

2010. The council shall be composed of not to exceed 13 voting members and two nonvoting members appointed as follows:

(1) Seven members appointed by the Governor.

(2) Three members appointed by the Speaker of the Assembly.

(3) Three members appointed by the Senate Committee on Rules.

(4) Two nonvoting ex officio members who shall be Members of the Legislature, one appointed by the Speaker of the Assembly and one appointed by the Senate Committee on Rules. Any Member of the Legislature appointed to the council shall meet with, and participate in the activities of, the council to the extent that participation is not incompatible with his or her position as a Member of the Legislature.

The membership of the council shall consist of domestic violence advocates, battered women service providers, and representatives of women's organizations, law enforcement, and other groups involved with domestic violence, and at least one representative of service providers serving the lesbian, gay, bisexual, and transgender community for purposes of domestic violence. At least one-half of the council membership shall consist of domestic violence advocates or battered women service providers from organizations such as the California Alliance Against Domestic Violence.

It is the intent of the Legislature that the council membership reflect the ethnic, racial, cultural, and geographic diversity of the state.

(f) The department shall collaborate closely with the council in the development of funding priorities, the framing of the Request for Proposals, and the solicitation of proposals.

(g) (1) The Maternal and Child Health Branch of the State Department of Health Services shall administer grants, awarded as the result of a request for application process, to agencies to conduct demonstration projects to serve battered women and their children, including, but not limited to, creative and innovative service approaches, such as community response teams and pilot projects to develop new interventions emphasizing prevention and education, and other support projects identified by the advisory council.

1 (2) For purposes of this subdivision, “agency” means a state
2 agency, a local government, a community-based organization, or
3 a nonprofit organization.

4 (h) It is the intent of the Legislature that services funded by
5 this program include services *for battered women* in underserved
6 communities, including the lesbian, gay, bisexual, and
7 transgender community, and ethnic and racial communities.
8 Therefore, the Maternal and Child Health Branch of the State
9 Department of Health Services shall do all of the following:

10 (1) Fund shelters pursuant to this section that reflect the
11 ethnic, racial, economic, cultural, and geographic diversity of the
12 state.

13 (2) Target geographic areas and ethnic and racial communities
14 of the state whereby, based on a needs assessment, it is
15 determined that no shelter-based services *for battered women*
16 exist or that additional resources are necessary.

17 (i) The director may award additional grants to shelter-based
18 agencies when it is determined that there exists a critical need for
19 shelter or shelter-based services.

20 (j) As a condition of receiving funding pursuant to this section,
21 battered women’s shelters shall do all of the following:

22 (1) Provide matching funds or in-kind contributions equivalent
23 to not less than 20 percent of the grant they would receive. The
24 matching funds or in-kind contributions may come from other
25 governmental or private sources.

26 (2) Ensure that appropriate staff and volunteers having client
27 contact meet the definition of “domestic violence counselor” as
28 specified in subdivision (a) of Section 1037.1 of the Evidence
29 Code. The minimum training specified in paragraph (2) of
30 subdivision (a) of Section 1037.1 of the Evidence Code shall be
31 provided to those staff and volunteers who do not meet the
32 requirements of paragraph (1) of subdivision (a) of Section
33 1037.1 of the Evidence Code.

34 ~~SEC. 5.~~

35 *SEC. 2.* Section 13519 of the Penal Code is amended to read:

36 13519. (a) The commission shall implement by January 1,
37 1986, a course or courses of instruction for the training of law
38 enforcement officers in California in the handling of domestic
39 violence complaints and also shall develop guidelines for law
40 enforcement response to domestic violence. The course or

1 courses of instruction and the guidelines shall stress enforcement
2 of criminal laws in domestic violence situations, availability of
3 civil remedies and community resources, and protection of the
4 victim. Where appropriate, the training presenters shall include
5 domestic violence experts with expertise in the delivery of direct
6 services to victims of domestic violence, including utilizing the
7 staff of shelters for battered women in the presentation of
8 training.

9 (b) As used in this section, “law enforcement officer” means
10 any officer or employee of a local police department or sheriff’s
11 office, any peace officer of the Department of Parks and
12 Recreation, as defined in subdivision (f) of Section 830.2, any
13 peace officer of the University of California Police Department,
14 as defined in subdivision (b) of Section 830.2, any peace officer
15 of the California State University Police Departments, as defined
16 in subdivision (c) of Section 830.2, a peace officer, as defined in
17 subdivision (d) of Section 830.31, or a peace officer as defined in
18 subdivisions (a) and (b) of Section 830.32.

19 (c) The course of basic training for law enforcement officers
20 shall, no later than January 1, 1986, include adequate instruction
21 in the procedures and techniques described below:

22 (1) The provisions set forth in Title 5 (commencing with
23 Section 13700) relating to response, enforcement of court orders,
24 and data collection.

25 (2) The legal duties imposed on police officers to make arrests
26 and offer protection and assistance including guidelines for
27 making felony and misdemeanor arrests.

28 (3) Techniques for handling incidents of domestic violence
29 that minimize the likelihood of injury to the officer and that
30 promote the safety of the victim.

31 (4) The nature and extent of domestic violence, including
32 domestic violence in the lesbian, gay, bisexual, and transgender
33 community.

34 (5) The signs of domestic violence.

35 (6) The legal rights of, and remedies available to, victims of
36 domestic violence.

37 (7) The use of an arrest by a private person in a domestic
38 violence situation.

39 (8) Documentation, report writing, and evidence collection.

- 1 (9) Domestic violence diversion as provided in Chapter 2.6
2 (commencing with Section 1000.6) of Title 6 of Part 2.
- 3 (10) Tenancy issues and domestic violence.
- 4 (11) The impact on children of law enforcement intervention
5 in domestic violence.
- 6 (12) The services and facilities available to victims and
7 batterers.
- 8 (13) The use and applications of this code in domestic
9 violence situations.
- 10 (14) Verification and enforcement of temporary restraining
11 orders when (A) the suspect is present and (B) the suspect has
12 fled.
- 13 (15) Verification and enforcement of stay-away orders.
- 14 (16) Cite and release policies.
- 15 (17) Emergency assistance to victims and how to assist
16 victims in pursuing criminal justice options.
- 17 (d) The guidelines developed by the commission shall also
18 incorporate the foregoing factors.
- 19 (e) (1) All law enforcement officers who have received their
20 basic training before January 1, 1986, shall participate in
21 supplementary training on domestic violence subjects, as
22 prescribed and certified by the commission.
- 23 (2) Except as provided in paragraph (3), the training specified
24 in paragraph (1) shall be completed no later than January 1, 1989.
- 25 (3) (A) The training for peace officers of the Department of
26 Parks and Recreation, as defined in subdivision (g) of Section
27 830.2, shall be completed no later than January 1, 1992.
- 28 (B) The training for peace officers of the University of
29 California Police Department and the California State University
30 Police Departments, as defined in Section 830.2, shall be
31 completed no later than January 1, 1993.
- 32 (C) The training for peace officers employed by a housing
33 authority, as defined in subdivision (d) of Section 830.31, shall
34 be completed no later than January 1, 1995.
- 35 (4) Local law enforcement agencies are encouraged to include,
36 as a part of their advanced officer training program, periodic
37 updates and training on domestic violence. The commission shall
38 assist where possible.
- 39 (f) (1) The course of instruction, the learning and performance
40 objectives, the standards for the training, and the guidelines shall

1 be developed by the commission in consultation with appropriate
2 groups and individuals having an interest and expertise in the
3 field of domestic violence, including lesbian, gay, bisexual, and
4 transgender domestic violence. The groups and individuals shall
5 include, but shall not be limited to, the following: one
6 representative each from the California Peace Officers'
7 Association, the Peace Officers' Research Association of
8 California, the State Bar of California, the California Women
9 Lawyers' Association, and the State Commission on the Status of
10 Women; two representatives from the commission; two
11 representatives from the California Alliance Against Domestic
12 Violence; two peace officers, recommended by the commission,
13 who are experienced in the provision of domestic violence
14 training; and two domestic violence experts, recommended by
15 the California Alliance Against Domestic Violence, who are
16 experienced in the provision of direct services to victims of
17 domestic violence. At least one of the persons selected shall be a
18 former victim of domestic violence.

19 (2) The commission, in consultation with these groups and
20 individuals, shall review existing training programs to determine
21 in what ways domestic violence training might be included as a
22 part of ongoing programs.

23 (g) Each law enforcement officer below the rank of supervisor
24 who is assigned to patrol duties and would normally respond to
25 domestic violence calls or incidents of domestic violence shall
26 complete, every two years, an updated course of instruction on
27 domestic violence that is developed according to the standards
28 and guidelines developed pursuant to subdivision (d). The
29 instruction required pursuant to this subdivision shall be funded
30 from existing resources available for the training required
31 pursuant to this section. It is the intent of the Legislature not to
32 increase the annual training costs of local government entities.

33 ~~SEC. 6.~~

34 *SEC. 3.* Section 13823.15 of the Penal Code is amended to
35 read:

36 13823.15. (a) The Legislature finds the problem of domestic
37 violence to be of serious and increasing magnitude. The
38 Legislature also finds that existing domestic violence services are
39 underfunded and that some areas of the state are unserved or
40 underserved. Therefore, it is the intent of the Legislature that a

1 goal or purpose of the Office of Emergency Services (OES) shall
2 be to ensure that all victims of domestic violence served by the
3 OES Comprehensive Statewide Domestic Violence Program
4 receive comprehensive, quality services.

5 (b) There is in the OES a Comprehensive Statewide Domestic
6 Violence Program. The goals of the program shall be to provide
7 local assistance to existing service providers, to maintain and
8 expand services based on a demonstrated need, and to establish a
9 targeted or directed program for the development and
10 establishment of domestic violence services in currently unserved
11 and underserved areas. The OES shall provide financial and
12 technical assistance to local domestic violence centers in
13 implementing all of the following services:

- 14 (1) Twenty-four-hour crisis hotlines.
- 15 (2) Counseling.
- 16 (3) Business centers.
- 17 (4) Emergency “safe” homes or shelters for victims and
18 families.
- 19 (5) Emergency food and clothing.
- 20 (6) Emergency response to calls from law enforcement.
- 21 (7) Hospital emergency room protocol and assistance.
- 22 (8) Emergency transportation.
- 23 (9) Supportive peer counseling.
- 24 (10) Counseling for children.
- 25 (11) Court and social service advocacy.
- 26 (12) Legal assistance with temporary restraining orders,
27 devices, and custody disputes.
- 28 (13) Community resource and referral.
- 29 (14) Household establishment assistance.

30 Priority for financial and technical assistance shall be given to
31 emergency shelter programs and “safe” homes for victims of
32 domestic violence and their children.

33 (c) Except as provided in subdivision (f), the OES and the
34 advisory committee established pursuant to Section 13823.16
35 shall collaboratively administer the Comprehensive Statewide
36 Domestic Violence Program, and shall allocate funds to local
37 centers meeting the criteria for funding. All organizations funded
38 pursuant to this section shall utilize volunteers to the greatest
39 extent possible.

1 The centers may seek, receive, and make use of any funds
2 which may be available from all public and private sources to
3 augment any state funds received pursuant to this section.

4 Centers receiving funding shall provide cash or an in-kind
5 match of at least 10 percent of the funds received pursuant to this
6 section.

7 (d) The OES shall conduct statewide training workshops on
8 domestic violence for local centers, law enforcement, and other
9 service providers designed to enhance service programs. The
10 workshops shall be planned in conjunction with practitioners and
11 experts in the field of domestic violence prevention. The
12 workshops shall include a curriculum component on lesbian, gay,
13 bisexual, and transgender specific domestic abuse.

14 (e) The OES shall develop and disseminate throughout the
15 state information and materials concerning domestic violence.
16 The OES shall also establish a resource center for the collection,
17 retention, and distribution of educational materials related to
18 domestic violence. The OES may utilize and contract with
19 existing domestic violence technical assistance centers in this
20 state in complying with the requirements of this subdivision.

21 (f) The funding process for distributing grant awards to
22 domestic violence shelter service providers (DVSSPs) shall be
23 administered by the OES as follows:

24 (1) The OES shall establish each of the following:

25 (A) The process and standards for determining whether to
26 grant, renew, or deny funding to any DVSSP applying or
27 reapplying for funding under the terms of the program.

28 (B) For DVSSPs applying for grants under the RFP process
29 described in paragraph (2), a system for grading grant
30 applications in relation to the standards established pursuant to
31 subparagraph (A), and an appeal process for applications that are
32 denied. A description of this grading system and appeal process
33 shall be provided to all DVSSPs as part of the application
34 required under the RFP process.

35 (C) For DVSSPs reapplying for funding under the RFA
36 process described in paragraph (4), a system for grading the
37 performance of DVSSPs in relation to the standards established
38 pursuant to subparagraph (A), and an appeal process for
39 decisions to deny or reduce funding. A description of this grading

1 system and appeal process shall be provided to all DVSSPs
2 receiving grants under this program.

3 (2) Grants for shelters that were not funded in the previous
4 cycle shall be awarded as a result of a competitive request for
5 proposal (RFP) process. The RFP process shall comply with all
6 applicable state and federal statutes for domestic violence shelter
7 funding, and to the extent possible, the response to the RFP shall
8 not exceed 25 narrative pages, excluding attachments.

9 (3) Grants shall be awarded to DVSSPs that propose to
10 maintain shelters or services previously granted funding pursuant
11 to this section, to expand existing services or create new services,
12 or to establish new domestic violence shelters in underserved or
13 unserved areas. Each grant shall be awarded for a three-year
14 term.

15 (4) DVSSPs reapplying for grants shall not be subject to a
16 competitive grant process, but shall be subject to a request for
17 application (RFA) process. The RFA process shall consist in part
18 of an assessment of the past performance history of the DVSSP
19 in relation to the standards established pursuant to paragraph (1).
20 The RFA process shall comply with all applicable state and
21 federal statutes for domestic violence center funding, and to the
22 extent possible, the response to the RFA shall not exceed 10
23 narrative pages, excluding attachments.

24 (5) Any DVSSP funded through this program in the previous
25 grant cycle, including any DVSSP funded by Chapter 707 of the
26 Statutes of 2001, shall be funded upon reapplication, unless,
27 pursuant to the assessment required under the RFA process, its
28 past performance history fails to meet the standards established
29 by the OES pursuant to paragraph (1).

30 (6) The OES shall conduct a minimum of one site visit every
31 three years for each DVSSP funded pursuant to this subdivision.
32 The purpose of the site visit shall be to conduct a performance
33 assessment of, and provide subsequent technical assistance for,
34 each shelter visited. The performance assessment shall include,
35 but need not be limited to, a review of all of the following:

36 (A) Progress in meeting program goals and objectives.

37 (B) Agency organization and facilities.

38 (C) Personnel policies, files, and training.

39 (D) Recordkeeping, budgeting, and expenditures.

40 (E) Documentation, data collection, and client confidentiality.

1 (7) After each site visit conducted pursuant to paragraph (6),
2 the OES shall provide a written report to the DVSSP
3 summarizing the performance of the DVSSP, any deficiencies
4 noted, any corrective action needed, and a deadline for corrective
5 action to be completed. The OES shall also develop a corrective
6 action plan for verifying the completion of any corrective action
7 required. The OES shall submit its written report to the DVSSP
8 no more than 60 days after the site visit. No grant under the RFA
9 process shall be denied if the DVSSP has not received a site visit
10 during the previous three years, unless the OES is aware of
11 criminal violations relative to the administration of grant funding.

12 (8) DVSSPs receiving written reports of deficiencies or orders
13 for corrective action after a site visit shall be given no less than
14 six months' time to take corrective action before the deficiencies
15 or failure to correct may be considered in the next RFA process.
16 However, the OES shall have the discretion to reduce the time to
17 take corrective action in cases where the deficiencies present a
18 significant health or safety risk or when other severe
19 circumstances are found to exist. If corrective action is deemed
20 necessary, and a DVSSP fails to comply, or if other deficiencies
21 exist that, in the judgment of the OES, cannot be corrected, the
22 OES shall determine, using its grading system, whether
23 continued funding for the DVSSP should be reduced or denied
24 altogether. If a DVSSP has been determined to be deficient, the
25 OES may, at any point during the DVSSP's funding cycle
26 following the expiration of the period for corrective action, deny
27 or reduce any further funding.

28 (9) If a DVSSP applies or reapplies for funding pursuant to
29 this section and that funding is denied or reduced, the decision to
30 deny or reduce funding shall be provided in writing to the
31 DVSSP, along with a written explanation of the reasons for the
32 reduction or denial made in accordance with the grading system
33 for the RFP or RFA process. Except as otherwise provided, any
34 appeal of the decision to deny or reduce funding shall be made in
35 accordance with the appeal process established by the OES. The
36 appeal process shall allow a DVSSP a minimum of 30 days to
37 appeal after a decision to deny or reduce funding. All pending
38 appeals shall be resolved before final funding decisions are
39 reached.

(10) It is the intent of the Legislature that priority for additional funds that become available shall be given to currently funded, new, or previously unfunded DVSSPs for expansion of services. However, the OES may determine when expansion is needed to accommodate underserved or unserved areas. If supplemental funding is unavailable, the OES shall have the authority to lower the base level of grants to all currently funded DVSSPs in order to provide funding for currently funded, new, or previously unfunded DVSSPs that will provide services in underserved or unserved areas. However, to the extent reasonable, funding reductions shall be reduced proportionately among all currently funded DVSSPs. After the amount of funding reductions has been determined, DVSSPs that are currently funded and those applying for funding shall be notified of changes in the available level of funding prior to the next application process. Funding reductions made under this paragraph shall not be subject to appeal.

(11) Notwithstanding any other provision of this section, OES may reduce funding to a DVSSP funded pursuant to this section if federal funding support is reduced. Funding reductions as a result of a reduction in federal funding shall not be subject to appeal.

(12) Nothing in this section shall be construed to supersede any function or duty required by federal acts, rules, regulations, or guidelines for the distribution of federal grants.

(13) As a condition of receiving funding pursuant to this section, DVSSPs shall do all of the following:

(A) Provide matching funds or in-kind contributions equivalent to not less than 10 percent of the grant they would receive. The matching funds or in-kind contributions may come from other governmental or private sources.

(B) Ensure that appropriate staff and volunteers having client contact meet the definition of “domestic violence counselor” as specified in subdivision (a) of Section 1037.1 of the Evidence Code. The minimum training specified in paragraph (2) of subdivision (a) of Section 1037.1 of the Evidence Code shall be provided to those staff and volunteers who do not meet the requirements of paragraph (1) of subdivision (a) of Section 1037.1 of the Evidence Code.

(14) The following definitions shall apply for purposes of this subdivision:

(A) “Domestic violence” means the infliction or threat of physical harm against past or present adult or adolescent female intimate partners, including physical, sexual, and psychological abuse against the woman, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that woman.

(B) “Domestic violence shelter service provider” or “DVSSP” means a victim services provider that operates an established system of services providing safe and confidential emergency housing on a 24-hour basis for victims of domestic violence and their children, including, but not limited to, hotel or motel arrangements, haven, and safe houses.

(C) “Emergency shelter” means a confidential or safe location that provides emergency housing on a 24-hour basis for victims of domestic violence and their children.

(g) The OES may hire the support staff and utilize all resources necessary to carry out the purposes of this section. The OES shall not utilize more than 10 percent of any funds appropriated for the purpose of the program established by this section for the administration of that program.

~~SEC. 7.~~

SEC. 4. Section 13823.16 of the Penal Code is amended to read:

13823.16. (a) The Comprehensive Statewide Domestic Violence Program established pursuant to Section 13823.15 shall be collaboratively administered by the Office of Emergency Services (OES) and an advisory council. The membership of the OES Domestic Violence Advisory Council shall consist of experts in the provision of either direct or intervention services to battered women and their children, within the scope and intention of the OES Domestic Violence Assistance Program.

(b) The membership of the council shall consist of domestic violence victims’ advocates, battered women service providers, at least one representative of service providers serving the lesbian, gay, bisexual, and transgender community in connection with domestic violence, and representatives of women’s organizations, law enforcement, and other groups involved with domestic violence. At least one-half of the council membership

1 shall consist of domestic violence victims' advocates or battered
2 women service providers from organizations such as the
3 California Alliance Against Domestic Violence. It is the intent of
4 the Legislature that the council membership reflect the ethnic,
5 racial, cultural, and geographic diversity of the state. The council
6 shall be composed of no more than 13 voting members and two
7 nonvoting members who shall be appointed, as follows:

8 (1) Seven voting members shall be appointed by the Governor.

9 (2) Three voting members shall be appointed by the Speaker
10 of the Assembly.

11 (3) Three voting members shall be appointed by the Senate
12 Committee on Rules.

13 (4) Two nonvoting members shall be Members of the
14 Legislature, one appointed by the Speaker of the Assembly and
15 one appointed by the Senate Committee on Rules. Any Member
16 of the Legislature appointed to the council shall meet with the
17 council and participate in its activities to the extent that
18 participation is not incompatible with his or her position as a
19 Member of the Legislature.

20 (c) The OES shall collaborate closely with the council in
21 developing funding priorities, framing the request for proposals,
22 and soliciting proposals.

23 (d) This section shall remain in effect only until January 1,
24 2010, and as of that date is repealed, unless a later enacted
25 statute, that is enacted before January 1, 2010, deletes or extends
26 that date.

27 ~~SEC. 8. Section 13823.17 is added to the Penal Code, to read:~~

28 ~~13823.17. (a) The Legislature finds the problem of domestic~~
29 ~~violence in the gay, lesbian, bisexual, and transgender~~
30 ~~community to be of serious and increasing magnitude. The~~
31 ~~Legislature also finds that existing domestic violence services for~~
32 ~~this population are underfunded and that members of this~~
33 ~~population are unserved or underserved in the state. Therefore, it~~
34 ~~is the intent of the Legislature that a goal or purpose of the State~~
35 ~~Department of Health Services (DHS) shall be to ensure that all~~
36 ~~victims of domestic violence in the gay, lesbian, bisexual, and~~
37 ~~transgender (LGBT) community are served for the purpose of~~
38 ~~domestic violence and receive comprehensive, quality services.~~

39 ~~(b) The goal of this section is to provide local assistance to~~
40 ~~existing and new service providers, to maintain and expand~~

1 ~~services based on a demonstrated need, and to establish a~~
2 ~~targeted or directed program for the development and~~
3 ~~establishment of domestic violence services in currently unserved~~
4 ~~and underserved areas of the gay, lesbian, bisexual, and~~
5 ~~transgender community. The DHS shall provide financial and~~
6 ~~technical assistance to local LGBT organizations in~~
7 ~~implementing domestic violence services such as:~~

- 8 ~~(1) Twenty-four-hour crisis hotlines.~~
- 9 ~~(2) Counseling.~~
- 10 ~~(3) Court and social service advocacy.~~
- 11 ~~(4) Legal assistance with temporary restraining orders,~~
12 ~~devices, and custody disputes.~~
- 13 ~~(5) Community resource and referral.~~
- 14 ~~(6) Household establishment assistance.~~
- 15 ~~(7) Emergency housing.~~

16 ~~(e) Except as provided in subdivision (f), the DHS shall~~
17 ~~allocate funds to local LGTB organizations meeting the criteria~~
18 ~~for funding. All organizations funded pursuant to this section~~
19 ~~shall utilize volunteers to the greatest extent possible.~~

20 ~~The LGTB organizations may seek, receive, and make use of~~
21 ~~any funds which may be available from all public and private~~
22 ~~sources to augment any state funds received pursuant to this~~
23 ~~section.~~

24 ~~LGTB organizations receiving funding shall provide cash or an~~
25 ~~in-kind match of at least 10 percent of the funds received~~
26 ~~pursuant to this section.~~

27 ~~(d) The Office of Emergency Services (OES) shall conduct~~
28 ~~statewide training workshops on domestic violence for local~~
29 ~~LGTB organizations, law enforcement, and other service~~
30 ~~providers designed to enhance service programs. The workshops~~
31 ~~shall be planned in conjunction with practitioners and experts in~~
32 ~~the field of domestic violence prevention.~~

33 ~~(e) The DHS shall, using funds from the Equality in Domestic~~
34 ~~Abuse Prevention and Services Fund, established pursuant to~~
35 ~~Section 298 of the Family Code, develop and disseminate~~
36 ~~throughout the state a lesbian, gay, bisexual, and transgender~~
37 ~~specific domestic abuse brochure and administer a program of~~
38 ~~grants that support LGBT victims of domestic violence.~~

~~(f) The funding process for distributing grant awards to the LGBT organizations shall be administered by the DHS as follows:~~

~~(1) The DHS shall establish each of the following:~~

~~(A) The process and standards for determining whether to grant, renew, or deny funding to any LGBT organization applying or reapplying for funding under the terms of the program.~~

~~(B) For LGBT organizations applying for grants under the RFP process described in paragraph (2), a system for grading grant applications in relation to the standards established pursuant to subparagraph (A), and an appeal process for applications that are denied. A description of this grading system and appeal process shall be provided to all LGBT organizations as part of the application required under the RFP process.~~

~~(C) For LGBT organizations reapplying for funding under the RFA process described in paragraph (4), a system for grading the performance of LGBT organizations in relation to the standards established pursuant to subparagraph (A), and an appeal process for decisions to deny or reduce funding. A description of this grading system and appeal process shall be provided to all LGBT organizations receiving grants under this program.~~

~~(2) Grants for shelters that were not funded in the previous cycle shall be awarded as a result of a competitive request for proposal (RFP) process. The RFP process shall comply with all applicable state and federal statutes and to the extent possible, the response to the RFP shall not exceed 25 narrative pages, excluding attachments.~~

~~(3) Grants shall be awarded to LGBT organizations that propose to maintain shelters or services to expand existing services or create new services, or to establish new domestic violence services in underserved or unserved areas. Each grant shall be awarded for a three-year term.~~

~~(4) LGBT organizations reapplying for grants shall not be subject to a competitive grant process, but shall be subject to a request for application (RFA) process. The RFA process shall consist in part of an assessment of the past performance history of the LGBT organization in relation to the standards established pursuant to paragraph (1). The response to the RFA shall not exceed 10 narrative pages, excluding attachments.~~

1 ~~(5) Any LGBT organization funded through this program in~~
2 ~~the previous grant cycle shall be funded upon reapplication,~~
3 ~~unless, pursuant to the assessment required under the RFA~~
4 ~~process, its past performance history fails to meet the standards~~
5 ~~established by the DHS pursuant to paragraph (1).~~

6 ~~(6) The DHS shall conduct a minimum of one site visit every~~
7 ~~three years for each LGBT organization funded pursuant to this~~
8 ~~subdivision. The purpose of the site visit shall be to conduct a~~
9 ~~performance assessment of, and provide subsequent technical~~
10 ~~assistance for, each LGBT organization visited. The performance~~
11 ~~assessment shall include, but need not be limited to, a review of~~
12 ~~all of the following:~~

13 ~~(A) Progress in meeting program goals and objectives.~~

14 ~~(B) Agency organization and facilities.~~

15 ~~(C) Personnel policies, files, and training.~~

16 ~~(D) Recordkeeping, budgeting, and expenditures.~~

17 ~~(E) Documentation, data collection, and client confidentiality.~~

18 ~~(7) After each site visit conducted pursuant to paragraph (6),~~
19 ~~the DHS shall provide a written report to the LGBT organization~~
20 ~~summarizing the performance of the LGBT organization, any~~
21 ~~deficiencies noted, any corrective action needed, and a deadline~~
22 ~~for corrective action to be completed. The DHS shall also~~
23 ~~develop a corrective action plan for verifying the completion of~~
24 ~~any corrective action required. The DHS shall submit its written~~
25 ~~report to the LGBT organization no more than 60 days after the~~
26 ~~site visit. No grant under the RFA process shall be denied if the~~
27 ~~LGBT organization has not received a site visit during the~~
28 ~~previous three years, unless the DHS is aware of criminal~~
29 ~~violations relative to the administration of grant funding.~~

30 ~~(8) LGBT organizations receiving written reports of~~
31 ~~deficiencies or orders for corrective action after a site visit shall~~
32 ~~be given no less than six months' time to take corrective action~~
33 ~~before the deficiencies or failure to correct may be considered in~~
34 ~~the next RFA process. However, the DHS shall have the~~
35 ~~discretion to reduce the time to take corrective action in cases~~
36 ~~where the deficiencies present a significant health or safety risk~~
37 ~~or when other severe circumstances are found to exist. If~~
38 ~~corrective action is deemed necessary, and an LGBT~~
39 ~~organization fails to comply, or if other deficiencies exist that, in~~
40 ~~the judgment of the DHS, cannot be corrected, the DHS shall~~

1 determine, using its grading system, whether continued funding
2 for the LGBT organization should be reduced or denied
3 altogether. If an LGBT organization has been determined to be
4 deficient, the DHS may, at any point during the funding cycle
5 following the expiration of the period for corrective action, deny
6 or reduce any further funding.

7 (9) If an LGBT organization applies or reapplies for funding
8 pursuant to this section and that funding is denied or reduced, the
9 decision to deny or reduce funding shall be provided in writing
10 along with a written explanation of the reasons for the reduction
11 or denial made in accordance with the grading system for the
12 RFP or RFA process. Except as otherwise provided, any appeal
13 of the decision to deny or reduce funding shall be made in
14 accordance with the appeal process established by the DHS. The
15 appeal process shall allow an LGBT organization a minimum of
16 30 days to appeal after a decision to deny or reduce funding. All
17 pending appeals shall be resolved before final funding decisions
18 are reached.

19 (10) It is the intent of the Legislature that priority for
20 additional funds that become available shall be given to currently
21 funded, new, or previously unfunded LGBT organizations for
22 expansion of services. However, the DHS may determine when
23 expansion is needed to accommodate underserved or unserved
24 areas. If supplemental funding is unavailable, the DHS shall have
25 the authority to lower the base level of grants to all currently
26 funded LGBT organizations in order to provide funding for
27 currently funded, new, or previously unfunded LGBT
28 organizations that will provide services in underserved or
29 unserved areas. However, to the extent reasonable, funding
30 reductions shall be reduced proportionately among all currently
31 funded LGBT organizations. After the amount of funding
32 reductions has been determined, LGBT organizations that are
33 currently funded and those applying for funding shall be notified
34 of changes in the available level of funding prior to the next
35 application process. Funding reductions made under this
36 paragraph shall not be subject to appeal.

37 (11) As a condition of receiving funding pursuant to this
38 section, LGBT organizations shall do all of the following:

39 (A) Provide matching funds or in-kind contributions
40 equivalent to not less than 10 percent of the grant they would

1 receive. The matching funds or in-kind contributions may come
2 from other governmental or private sources.

3 (B) Ensure that appropriate staff and volunteers having client
4 contact meet the definition of “domestic violence counselor” as
5 specified in subdivision (a) of Section 1037.1 of the Evidence
6 Code. The minimum training specified in paragraph (2) of
7 subdivision (a) of Section 1037.1 of the Evidence Code shall be
8 provided to those staff and volunteers who do not meet the
9 requirements of paragraph (1) of subdivision (a) of Section
10 1037.1 of the Evidence Code.

11 (12) The following definitions shall apply for purposes of this
12 subdivision:

13 (A) “Domestic violence” means the infliction or threat of
14 physical harm against past or present adult or adolescent intimate
15 partners, including physical, sexual, and psychological abuse
16 against the person, and is a part of a pattern of assaultive,
17 coercive, and controlling behaviors directed at achieving
18 compliance from or control over that person.

19 (B) “LGBT organization” means any provider that specializes
20 in working with lesbian, gay, bisexual, and transgender
21 individuals and families or that has comprehensive training and
22 experience working with lesbian, gay, bisexual, and transgender
23 victims of domestic violence.

24 (g) The DHS may hire the support staff and utilize all
25 resources necessary to carry out the purposes of this section. The
26 DHS shall not utilize more than 10 percent of any funds
27 appropriated for the purpose of the program established by this
28 section for the administration of that program.